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ALPHA & OMEGA SEMICONDUCTOR,
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ALPHA & OMEGA SEMICONDUCTOR,
LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

20 ALPHA & OMEGA SEMICONDUCTOR,
21 INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation.

Plaintiffs and Counterdefendants,

V.

24 FAIRCHILD SEMICONDUCTOR
25 CORP., a Delaware corporation,

26 || Defendant and Counterclaim.

Case No. C 07-2638 JSW
(Consolidated with Case No. C-07-2664 JSW)

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Date: June 4, 2008

Time: 2:00 p.m.

Location: Courtroom 2, 17th Floor

Judge: Hon. Jeffrey S. White

AND RELATED COUNTERCLAIMS.

1 Pursuant to Patent L.R. 4-3 and the Court's scheduling Order, plaintiffs and
 2 counterdefendants Alpha & Omega Semiconductor, Ltd., and Alpha & Omega Semiconductor,
 3 Inc., (collectively, "AOS") and defendant and counterclaimant Fairchild Semiconductor
 4 Corporation ("Fairchild") submit this Joint Claim Construction and Prehearing Statement ("Joint
 5 Statement").

6 **I. PATENT LOCAL RULE 4-3(a): AGREED CLAIM CONSTRUCTIONS**

7 The parties have set forth the constructions of those claim terms, phrases or clauses on
 8 which the parties agree for the asserted claims of the patents-in-suit in Exhibit A attached hereto.

9 **II. PATENT LOCAL RULE 4-3(b): PROPOSED CONSTRUCTION OF DISPUTED
 10 CLAIM TERM, PHRASE OR CLAUSE**

11 At the Case Management Conference held on February 1, 2007, the Court denied the
 12 parties' joint request to construe 17 disputed claim terms, phrases or clauses, initially limiting
 13 claim construction to a total of ten terms, phrases or clauses. The parties have therefore set forth
 14 their proposed constructions and supporting evidence for ten disputed terms in Exhibit B attached
 15 hereto.

16 The parties have not been able to agree on the constructions of the following seven terms¹
 17 for which the parties may renew their request to seek construction at a later date:

Reserved term, phrase or clause	Found in patent/claim:
substantially reduced so as to decrease the gate threshold voltage of said trench gate; and	5,907,776, claims 13, 25
substantially reduced so as to decrease the gate threshold voltage of said gate	
spaced from said diffusion boundary	5,907,776, claims 1, 13, 25
for etching said active layer	5,930,630, claim 1
a doped well ... formed into the substrate to a depth that is less than the predetermined depth of the trench;	6,429,481, claim 1 6,710,406, claim 1 6,828,195, claim 1 7,148,111, claim 29

26 ¹ Fairchild contends that two of the terms ("substantially reduced so as to decrease the gate
 27 threshold voltage of said trench gate/substantially reduced so as to decrease the gate threshold
 28 voltage of said gate" and "for etching said active layer") are indefinite and are not properly the
 subject of a claim construction hearing. AOS contends that these two terms are not indefinite and
 should be the subject of a claim construction hearing.

1	a doped well ... formed into the substrate to a second depth that is less than said first depth of the trench;	
3	a doped well in the substrate to a second depth that is less than said first depth of the plurality of trenches;	
5	a well between adjacent trenches to a second depth that is shallower than the first depth; and	
7	a plurality of doped wells ... respectively to a second depth that is less than said first depth of the plurality of trenches	
8	self-aligned	5,930,630, claim 1
10	implant ²	6,828,195, claims 8, 9 7,148,111, claims 30, 31 5,930,630, claim 1
11	termination region	6,818,947, claims 1, 5

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**III. PATENT LOCAL RULE 4-3(c): ANTICIPATED LENGTH OF CLAIM
CONSTRUCTION HEARING**

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14 Fairchild and AOS expect they will each require 90 minutes at the claim construction
15 hearing, for a total hearing length of three hours. If one or both of the parties changes its position
16 and decides a longer period of time is warranted during the course of discovery and briefing, the
17 party or parties will seek the Court's approval pursuant to the Court's Standing Order for Patent
18 Cases ¶ 12.

19

**IV. PATENT LOCAL RULE 4-3(d): WITNESSES TO BE CALLED AT THE CLAIM
CONSTRUCTION HEARING**

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21 The parties do not anticipate presenting live testimony at the Claim Construction Hearing.
22 If one or both of the parties changes its position during the course of discovery and briefing, the
23 party or parties will seek the Court's approval pursuant to the Court's Standing Order for Patent
24 Cases ¶ 10.

25

V. PATENT LOCAL RULE 4-3(e): ISSUES FOR PREHEARING CONFERENCE

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At this time, the parties do not anticipate the need for the scheduling of a Claim

27

² This term was not included in AOS's Proposed Terms and Claim Elements for Construction
28 Under Patent L.R. 4-1, which included "double implant process" ('195 patent, claims 8, 9) instead
of "implant."

1 Construction Prehearing Conference. If one or both of the parties changes its position during the
2 course of discovery and briefing, the party or parties will seek the Court's approval pursuant to
3 the Court's Standing Order for Patent Cases ¶ 8.

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5 MORGAN, LEWIS & BOCKIUS LLP
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7 Dated: February 8, 2008
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By: /s/ Andrew J. Wu

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LTD., AND ALPHA & OMEGA
SEMICONDUCTOR, INC.

Dated: February 8, 2008

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By: /s/ Eric P. Jacobs

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GENERAL ORDER ATTESTATION

2 I, Eric P. Jacobs, am the ECF user whose ID and password are being used to file this
3 JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT. In compliance with
4 General Order 45, X.B., I hereby attest that Andrew J. Wu has concurred in this filing.

/s/ Eric P. Jacobs
Eric P. Jacobs

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